

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LARRY FREUDENBERG, Individually, and :
On Behalf Of All Others Similarly Situated : 07 Civ. 8538 (RWS)
 : Judge Robert W. Sweet
v. :
 :
E*TRADE FINANCIAL CORPORATION, :
MITCHELL H. CAPLAN, AND :
ROBERT J. SIMMONS :
 :

[Captions continued on the following page]

**NOTICE OF THE
INSTITUTIONAL INVESTOR GROUP’S MOTION TO
CONSOLIDATE ACTIONS, TO BE APPOINTED LEAD PLAINTIFF
AND FOR APPROVAL OF ITS SELECTION OF LEAD COUNSEL**

GRANT & EISENHOFER P.A.
Jay W. Eisenhofer (JE-5503)
485 Lexington Avenue
29th Floor
New York, New York 10017
Tel: (646) 722-8500
Fax: (646) 722-8501

and

**SCHIFFRIN BARROWAY TOPAZ &
KESSLER, LLP**
Richard S. Schiffrin
Sean M. Handler
Darren J. Check
280 King of Prussia Road
Radnor, Pennsylvania 19087
Tel: (610) 667-7706
Fax: (610) 667-7056

GRANT & EISENHOFER P.A.
Geoffrey C. Jarvis (GJ-7040)
Chase Manhattan Centre
1201 N. Market Street
Wilmington, Delaware 19801
Tel: (302) 622-7000
Fax: (302) 622-7100

*Counsel for the Institutional Investor Group
and Proposed Lead Counsel for the Class*

WILLIAM BOSTON, Individually, and
On Behalf Of All Others Similarly Situated

v.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, AND
ROBERT J. SIMMONS

ROBERT D. THULMAN, Individually, and
On Behalf Of All Others Similarly Situated

v.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, AND
ROBERT J. SIMMONS

WENDY M. DAVIDSON, Individually, and
On Behalf Of All Others Similarly Situated

v.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, AND
ROBERT J. SIMMONS

JOSHUA FERENC, Individually, and
On Behalf Of All Others Similarly Situated

v.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, AND
ROBERT J. SIMMONS

07 Civ. 8808 (RWS)
Judge Robert W. Sweet

07 Civ. 9651 (RWS)
Judge Robert W. Sweet

07 Civ. 10400 (UA)
Judge Unassigned

07 Civ. 10540 (SHS)
Judge Sidney H. Stein

PLEASE TAKE NOTICE THAT pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78-u-4(a)(3)(B), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (“PSLRA”), the Mississippi Public Employees’ Retirement System (“Mississippi PERS”) and AFA Livförsäkringsaktiebolag, AFA

Sjukförsäkringsaktiebolag, AFA Trygghetsförsäkringsaktiebolag and Kollektivavtalsstiftelsen TSL (collectively, “AFA” and with Mississippi PERS, collectively, the “Institutional Investor Group”), respectfully move this Court before the Honorable Robert W. Sweet, at the United States District Court of the Southern District of New York, at a date and time to be determined by the Court, for the consolidation of the related actions, for appointment as Lead Plaintiff for the class, and for approval of the Institutional Investor Group’s selection of the law firms of Grant & Eisenhofer P.A. and Schiffrin Barroway Topaz & Kessler, LLP as Lead Counsel for the class.

This Motion is supported by the following documents submitted herewith:

(1) Memorandum of Law In Support Of The Institutional Investor Group’s Motion To Consolidate Actions, To Be Appointed Lead Plaintiff and For Approval Of Its Selection Of Lead Counsel; and

(2) Declaration of Jay W. Eisenhofer In Support Of The Institutional Investor Group’s Motion To Consolidate Actions, To Be Appointed Lead Plaintiff and For Approval Of

Its Selection Of Lead Counsel, dated December 3, 2007, and the accompanying exhibits.

Dated: December 3, 2007

/s/ Geoffrey C. Jarvis
Jay W. Eisenhofer (JW-5503)
GRANT & EISENHOFER P.A.
485 Lexington Avenue
29th Floor
New York, New York 10017
Tel: (646) 722-8500
Fax: (646) 722-8501

- and -

Geoffrey C. Jarvis (GJ-7040)
GRANT & EISENHOFER P.A.
Chase Manhattan Centre
1201 N. Market Street
Wilmington, Delaware 19801
Tel: (302) 622-7000
Fax: (302) 622-7100

On behalf of:

SCHIFFRIN BARROWAY TOPAZ &
KESSLER, LLP
Richard S. Schiffrin
Sean M. Handler
Darren J. Check
280 King of Prussia Rd.
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

***Counsel for the Institutional Investor
Group and Proposed Lead Counsel for the
Class***